

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 6, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-18773 - APPLICANT/OWNER: CARLOS AVEMARIA

THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 16, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. A General Plan Amendment (GPA-18776) to a SC (Service Commercial) land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit is hereby granted.
3. A Site Development Plan Review (SDR-19330) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

4. Contact the City Engineer's Office to coordinate the development of this project with the "Coran Rancho Vegas Sewer Rehabilitation" project and the "Vegas Drive, Michael Way to Rancho Drive" project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
5. Construct half-street improvements including appropriate transition paving on Marietta Avenue adjacent to this site concurrent with on-site development activities.
6. Remove and replace all substandard public street improvements, if any, adjacent to this site on Vegas Drive and replace with new improvements meeting current City Standards concurrent with on-site development activities. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Coordinate with the Land Development section of the Department of Public Works to determine what improvements are substandard.
7. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning from O (Office) and R-D (Single Family Residential - Restricted) to C-1 (Limited Commercial) on 0.61 acres at 5200 Vegas Drive.

Staff finds the Rezoning to be appropriate as it would bring the zoning into conformance with the proposed SC (Service Commercial) General Plan designation, and the uses allowed with the proposed C-1 (Limited Commercial) zoning district are compatible with the density in the area.

A related General Plan Amendment (GPA-18776), Special Use Permit (SUP-18774), and Site Development Plan Review (SDR-19330) will be considered concurrently.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/01/03	The City Council approved the Annexation [A-0022-01(A)] of property described generally as located on the north side of Vegas Drive, approximately 735 feet east of Michael Way.
12/28/05	Code Enforcement opened a case #37233 citing an inoperable motor home in the backyard. The case was closed.
09/01/06	Code Enforcement opened a case #45987 citing the property owner for illegal storing of trailers, dump trucks and inoperable vehicles in the back yard. In addition, the site is not zoned for a commercial business. The case is still open.
04/12/07	The Planning Commission recommended approval of companion items GPA-18776; SUP-18774 and SDR-19330 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #22/jm).
<i>Related Building Permits/Business Licenses</i>	
12/28/06	A Non-work Certificate of Occupancy approved for Nevada First DMV services (Business license #P27-00266) under the Plan Check #L1464-06.
<i>Pre-Application Meeting</i>	
01/12/07	A pre-application conference was held and elements of this development were discussed. It was noted that the proposed use is not permitted within the existing zone, that a General Plan Amendment, Rezoning, Site Development Review would be necessary, and that a Special Use Permit would be required. In addition, the applicant was informed that Waivers for perimeter landscaping would be required if he was to keep the site the same.

<i>Neighborhood Meeting</i>	
01/02/07	<p>A neighborhood meeting was held at 5:30 PM at Buenos Aires Air, 5200 Vegas Drive. Seven members of the public attended. The business has been operating business for two years at the site. Questions mentioned at the meeting pertained to the following:</p> <ul style="list-style-type: none"> • Wall • Access to Marietta • Chemical storage • The storage of heavy equipment would only be vans • Hours of operation are 7:00 AM to 5:00 PM, 10 employees • Trailers to be removed and no on-site manufacturing.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.61

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial HVAC	R (Rural Density Residential)	O (Office) & R-D (Single Family Residential Restricted)
North	Single Family Residential	R (Rural Density Residential)	R-1 (Low Density Residential)
South	Duplex	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Clark County	R (Rural Density Residential)	Clark County
West	Group Home Facility	R (Rural Density Residential)	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	Y
A-O Airport Overlay District (105 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The applicant has requested a Rezoning from O (Office) and R-D (Single Family - Residential Restricted) to a C-1 (Limited Commercial) District. The C-1 District is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

The property gains access from Vegas Drive, an 80-foot Secondary Collector as designated by the Master Plan Streets and Highways, which is an adequate thoroughfare for the commercial zone requested. As this development proposal is located on the periphery of residential neighborhoods, and Vegas Drive is a secondary collector, it is compatible with the surrounding land uses and zoning districts.

In addition to the rezoning, the applicant has requested additional applications. The applicant has requested a General Plan Amendment (GPA-18776) to SC (Service Commercial). A Special Use Permit (SUP-18774) has been requested as the proposed Building Maintenance Service and Sales use in a C-1 (Limited Commercial Zone) requires one.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. “The proposal conforms to the General Plan.”

The proposed C-1 (Limited Commercial) zone would be in conformance with the proposed SC (Service Commercial) General Plan Amendment (GPA-18776).

2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”

The C-1 (Limited Commercial) zoning district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. As this development proposal is located on the periphery of residential neighborhoods and Vegas Drive is a Secondary Collector as designated by the Master Plan Streets and Highways, it is compatible with the surrounding land uses and zoning districts.

3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”

The growth and development factors indicate a need for commercial development. The property gains access from Vegas Drive, an 80-foot Secondary Collector as designated by the Master Plan Streets and Highways, which is an adequate thoroughfare for the commercial zone requested.

4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”

Vegas Drive is an 80-foot wide Secondary Collector as designated by the Master Plan Streets and Highways which will not be adversely impacted by the proposed C-1 (Limited Commercial) zoning district.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 370 by Planning Department

APPROVALS 0

PROTESTS 0